

that an attacher has a right to box poles as one method of achieving attachment, which is what *Cavalier* says in the quotation above, the MDTE has chosen to disregard that principle and instead to accept Verizon's policy because, while it is discriminatory as between Verizon and CLECs (or overbuilders), it discriminates, at least allegedly, equally among them and therefore fits the MDTE's vision of what section 271 and 224 of the Act must mean. Even this narrow and legally erroneous conclusion is factually wrong since, as the record shows, Verizon has allowed some boxing by one or more attachers (perhaps including itself) on the 20% of the poles in Quincy which are already boxed. The Commission should not allow the MDTE's disregard of the broad principle set forth in *Cavalier* to stand. For emphasis, RCN reiterates that *Cavalier* stands for the broad proposition that Verizon must in good faith proactively seek ways to get RCN's wiring on its poles.⁴⁷ This duty transcends the presence or absence of any boxed poles in Quincy. Even if there were no boxed poles in Quincy, Verizon is obligated by sections 224 and 251 to allow boxing in the absence of any compelling justification for not doing so. This record contains no such justification.

The MDTE misreads *Cavalier* in yet another respect. The Complainant also alleged that the utility company to whose poles it wished to attach its wires had unlawfully refused to permit the attacher to use third party contractors, even though the proposed personnel were comparably fully trained and qualified.⁴⁸ The CSB reaffirmed that the attacher may use any individual

⁴⁷ See *supra*, at 13-14.

⁴⁸ *Cavalier*, at ¶ 18.

workers who meet these criteria even for work on the utility's own electric facilities.⁴⁹ It then went on to note that while the use of multi-party contractors, *i.e.*, contractors who are qualified to work on both electrical and communications facilities, appeared to be an efficient means to accomplish make-ready work, "we are not ready to order Respondent [VEPCO] to proceed with that method."⁵⁰ The CSB then reiterated the utility's obligation to cooperate with attachers and to avoid use of its control of its own facilities to impede an attacher's deployment of telecommunications facilities.⁵¹

Simply stated, the *Cavalier* case stops short of ordering a utility to permit the use of multi-party contractors, while leaving the utility's overall duty to cooperate and to permit the use of qualified outside contractors unimpaired. At 243-4 of its Evaluation, however, the MDTE misconceives this ruling by citing it for the proposition that Verizon is not obliged to allow the use of competent, certified outside contractors for make-ready work, but may instead insist on the use of its own internal workers as required by its labor contract. In RCN's view, this simply evades the broad legal principle set forth quite clearly in *Cavalier*, and as fully applicable to Verizon as to any other BOC: if competent outside contractors are available to do make-ready

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ *Id.*

work, without distinction as to whose facilities are involved, Verizon must permit an attacher to employ such resources.⁵²

The supervening factor of Verizon having entered into a conflicting contract with its own personnel cannot trump federal law nor can the MDTE adopt pole attachment policies which are in conflict with applicable federal law.⁵³ If there is an issue between Verizon and its employees, that is not RCN's problem and cannot be used to deny RCN the right to rely on the method of accomplishing make-ready work which best meets its needs. Nor is the conclusion that make-ready work has not been impaired by this requirement an adequate rationale for refusing to apply the *Cavalier* case. If RCN wishes to substitute the use of outside contractors to expedite its make-ready work, *Cavalier* says it may do so; the MDTE says it may not. The MDTE's conclusion simply cannot be accepted.

⁵² See also *Local Competition* Reconsideration Order at ¶ 86 ("otherwise qualified third-party workers may perform pole attachment and related activities, such as make-ready work... .")

⁵³ In its *Local Competition* Reconsideration Order the Commission reaffirmed its earlier conclusion in the *Local Competition* Report and Order that while state and local requirements affecting attachments are entitled to deference, the Commission's "rules would prevail where a local requirement directly conflicts with a rule or guidelines adopted by the Commission." Moreover, section 253 of the Communications Act "invalidates all state or local legal requirements that 'prohibit or have the effect of prohibiting the ability of any entity to provide any interstate of [viz] intrastate telecommunications service.'" *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, supra*, at 4 n. 20.

II. THE MDTE'S EVALUATION IS ENTITLED TO NO WEIGHT WHATSOEVER WHILE THE MDTE IS RECONSIDERING THE VERIZON PERFORMANCE ASSESSMENT PLAN

In reaching its public interest conclusions the MDTE relied, *inter alia*, on its adoption of a Performance Assurance Plan ("PAP") modeled after that adopted in New York and approved by the FCC.⁵⁴ The validity of that Plan has been called into question by requests for reconsideration filed at the MDTE by AT&T Communications of New England, Inc. ("AT&T"), and by Rhythms Links, Inc. ("Rhythms"). Both of these participants in the MDTE's section 271 proceedings have challenged the sufficiency of the PAP as adopted by the MDTE, and AT&T in particular has alleged that the MDTE was misled by Verizon with respect to the differences between the New York and Massachusetts PAPs and the effects of certain Verizon modifications to the initial Massachusetts PAP.⁵⁵ On October 18, 2000, the hearing officer in the MDTE's consideration of the Verizon PAP invited other parties to file comments. Verizon, RCN and others have done so. Significantly, the DOJ has also found the Verizon Massachusetts PAP deficient when compared with that approved in the New York proceeding and has recommended that the Commission review it with great care.⁵⁶

It appears, therefore, that substantial questions now exist about the status of the PAP and consequently about the bases for the MDTE's favorable Evaluation submitted to the FCC on

⁵⁴ MDTE Evaluation, VI at 413-414.

⁵⁵ See Motions filed with the MDTE by Rhythms on September 25, 2000 and by AT&T on September 28, 2000.

⁵⁶ DOJ Evaluation at 23-24.

October 16, 2000. Because that Evaluation is in part dependent on the adoption of the PAP, the continuing status of the MDTE's recommendation to this Commission, must, as a matter of logic, be uncertain. In its Comments filed with the MDTE, RCN has urged the MDTE to withdraw its support for Verizon's interLATA application, pending its determination in the review of the status and content of the PAP which it has currently initiated.⁵⁷ Until the MDTE has completed that reevaluation, the FCC cannot fully assess the Verizon 271 Application now pending at the FCC because a critical element of the MDTE's favorable Evaluation is in doubt.

It is irrelevant in this context that the Commission itself does not require a state-ordered PAP as an essential element of its section 271 analysis.⁵⁸ The FCC does look closely at state-ordered PAPs to assess the likelihood of continued compliance with market-opening obligations.⁵⁹ In essence, the MDTE premises its support for Verizon's FCC Application on the existence of a PAP which the MDTE has found to be adequate to assure continued compliance with Verizon's section 271 obligations. While that finding is subject to reconsideration, it would appear inappropriate for the Commission to give any weight to the MDTE's Evaluation.⁶⁰

⁵⁷ RCN Comments on Motions for Reconsideration of Verizon's Revised Performance Assurance Plan, submitted to the MDTE on October 27, 2000.

⁵⁸ *Bell Atlantic-New York Application* at ¶ 429.

⁵⁹ *Id.*

⁶⁰ How closely the MDTE considered the PAP is open to some doubt since, in its consideration of that aspect of the Verizon application, it failed to acknowledge certain comments filed by RCN. For example, RCN contended that there be no cap at all on potential forfeitures, and that Verizon be required to produce the work papers underlying its PAP proposal to see if they reflected any trade offs between the advantages to Verizon of delaying competition

III. IN QUINCY ALONE, VERIZON'S UNLAWFUL DISCRIMINATORY BEHAVIOR DEPRIVES THE PUBLIC ANNUALLY OF SOME \$1.6 MILLION IN SAVINGS AND RCN OF SOME \$1.5 MILLION IN OPERATING CASH FLOW

Section 271 of the Act establishes an objective standard of BOC performance which the applicant must meet before its application can be granted, and that standard neither refers to, nor is in any respect dependent on, any particular quantum of actual harm suffered by a competitor attempting to compete with the BOC. Nevertheless, RCN has determined that the public in Quincy, by being denied the opportunity to take advantage of RCN's bundled service rates over a 12 month period,⁶¹ will be deprived of some \$1.6 million in savings. At the same time, based on a 12 month delay in providing service in Quincy, RCN has been deprived of some \$1.5 million in operating cash flow.⁶² These figures must be understood to be indicative only, since Quincy was chosen by RCN as representative of the circumstances it faces in all of Massachusetts

versus the costs in PAP penalties of doing so. RCN also suggested that Verizon be required to designate a senior executive who would bear personal and administrative responsibility for the company's PAP performance. *See* RCN Reply Comments filed at the MDTE on May 22, 2000 at 3-4; 4, n.5; and 8. None of these suggestions was so much as alluded to, let alone considered, in the MDTE's PAP Order.

⁶¹ As noted in RCN's Opposition, in communities where RCN does not suffer excessive delays attributable to Verizon's refusal to permit boxing, service can be inaugurated on average in one year. *See* RCN Oppos. at 34-5. In Quincy, on the other hand, 12-15 months has already gone by since the application process was initiated and RCN is not even close to initiating service. RCN therefore makes the conservative assumption that it has irretrievably lost one full year of service. If the excessive delay were set at, *e.g.* two years, the loss to the public and to RCN would be twice the numbers set forth above.

⁶² The assumptions on which these numbers are based on competitively sensitive data. If the Commission wishes to see the supporting data RCN will file it with a request for confidential treatment.

communities in which Verizon shares pole ownership with any electric utility other than BecoCom.

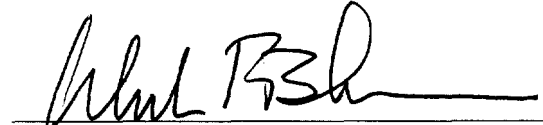
IV. CONCLUSION

Although RCN has had numerous difficulties entering the CLEC, cable, and ISP markets in Massachusetts, many caused by Verizon's failure to fulfill its statutory obligations to open its markets to competition, it has chosen to narrow the focus of its filings before the FCC to the subject of boxing. If the boxing problem could be solved quickly and effectively, it would go a long way to enhance RCN's ability to rapidly execute its business plan in Massachusetts. The record built at the MDTE and supplemented at the FCC shows that Verizon is not complying with its affirmative pole attachment obligations under sections 224(f), 251, or 271 of the Act, and that it discriminates against RCN in respect to boxing by doing so itself, or allowing others to do so, but refusing the same privileges to RCN. There is no safety or efficiency issue presented by boxing, a technique which the pole construction industry and this Commission have fully endorsed. So long as RCN is unlawfully denied the right to box poles in Massachusetts, Verizon is not in compliance with its statutory obligations which are conditions precedent to grant of its pending interLATA application, specifically section 271(c)(2)(B)(iii).

Accordingly, until Verizon modifies its boxing policies to permit RCN to access all suitable poles by boxing them on a nondiscriminatory basis and consistent with its statutory obligations under federal and state law, its application should be denied.

Respectfully submitted,

By:



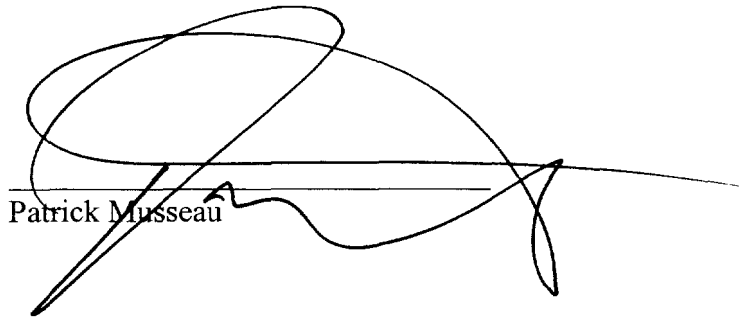
William L. Fishman
SWIDLER BERLIN SHEREFF FRIEDMAN, LLC
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
Telephone: (202) 945-6986
Facsimile: (2102) 424-7645

Counsel to RCN-BecoCom, L.L.C.

November 3, 2000.

STATEMENT

My name is Patrick Musseau. My qualifications are a matter of record in this proceeding. I have read the foregoing Reply Comments of RCN-BecoCom, L.L.C. Under penalty of perjury I declare that to the best of my knowledge, information, and belief, the factual assertions set forth therein concerning the boxing of poles jointly owned by Verizon and by Massachusetts Electric are true, complete and correct.

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line and a small flourish.

Patrick Musseau

November 3, 2000

CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of November, 2000, a copy of the foregoing Reply Comments of RCN-BecoCom, L.L.C. was served on the following parties via messenger or, if marked with an asterisk, by first class postage-paid U.S. mail:

Magalie Roman Salas
Secretary
Federal Communications Commission
445 12th Street, S.W., CY-B402
Washington, D.C. 20554

Janice Myles
Common Carrier Bureau
Federal Communications Commission
445 12th Street, S.W., Room 5-B145
Washington, D.C. 20554

International Transcription Services
445 12th Street, S.W., Room CY-314
Washington, D.C. 20554

Cathy Carpino, Hearing Officer*
Massachusetts Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110
phone: 617-305-3622
fax: 617-345-9103
e-mail: cathy.carpino@state.ma.us

Robert Howley, Hearing Officer*
Massachusetts Department of Telecommunications and Energy
One South Station, Second Floor
Boston, MA 02110
phone: 617-305-3652
fax: 617-345-9103
e-mail: robert.howley@state.ma.us

Sherri Lynn Wolson, Esq.*
Susan Wittenberg, Esq.
U.S. Department of Justice
Antitrust Division
1401 H Street, N.W., Suite 8000
Washington, DC 20530
phone: 202-616-1400 (Wolson)
phone: 202-307-2327 (Wittenberg)
fax: 202-514-6381
e-mail: sherri.wolson@usdoj.gov; susan.wittenberg@usdoj.gov

Karlen Reed, Assistant Attorney General
Regulated Industries Division
200 Portland Street, 4th Floor
Boston, MA 02114
phone: 617-727-2200 ext. 3436
fax: 617-727-1047
e-mail: karlen.reed@ago.state.ma.us

The Honorable Daniel E. Bosley*
Chairman, Joint Committee on Government Regulations
Room 472, State House
Boston, MA 02133
phone: 617-722-2120
fax: 617-722-2239
e-mail: kevin.grant@state.ma.us

Michael E. Glover*
Verizon
1320 North Court House Road, 8th Floor
Arlington, VA 22201
phone: 703-974-2944

Bruce P. Beausejour, Esq.*
Bell Atlantic-Massachusetts
185 Franklin Street
Boston, MA 02110-1585
phone: 617-743-2445
fax: 617-737-0648
e-mail: bruce.p.beausejour@bellatlantic.com

-and-

Robert N. Werlin, Esq.*
Keegan, Werlin & Pabian LLP
21 Custom House Street
Boston, MA 02110
phone: 617-951-1400
fax: 617-951-1354
e-mail: rwerlin@kwplaw.com
FOR: BELL ATLANTIC-MASSACHUSETTS

Robert Aurigema, Esq.
AT&T Communications, Inc.
32 Avenue of the Americas, Room 2700
New York, NY 10013
phone: 212-387-5627
fax: 212-387-5613

-and-

Patricia Jacobs, Ph.D.
Julie Baerenrodt
AT&T Communications of New England, Inc.
99 Bedford Street
Boston, MA 02111
phone: 617-574-3256 (Jacobs)
617-574-3156 (Baerenrodt)
fax: 617-574-3274
e-mail: pjacobs@lga.att.com; baerenrodt@att.com

-and-

Jeffrey F. Jones, Esq.
Kenneth W. Salinger, Esq.
Laurie S. Gill, Esq.
Jay E. Gruber, Esq.
Palmer & Dodge, LLP
One Beacon Street
Boston, MA 02108-3190
phone: 617-573-0100
fax: 617-227-4420
e-mail: jjones@palmerdodge.com, ksalinger@palmerdodge.com,
lgill@palmerdodge.com, jgruber@palmerdodge.com
FOR: AT&T COMMUNICATIONS OF NEW ENGLAND, INC.

Christopher Moore, Esq.
Sprint Communications Company L.P.
401 9th Street, NW, Suite 400
Washington, DC 20004
phone: 202-585-1938
fax: 202-585-1894
e-mail: christopher.d.moore@mail.sprint.com
-and-

Mark Hagen, Esq.
Sprint Communications Company L.P.
7301 College Boulevard
Overland Park, KS 66210
phone: 913-534-6590
fax: 913-534-6303
e-mail: mark.hagen@mail.sprint.com

Stacey L. Parker, Esq.
James G. White, Jr., Esq.
AT&T Broadband
6 Campanelli Drive
Andover, MA 01810
phone: 978-258-4250 (Parker)
978-258-4383 (White)
fax: 978-683-7057
e-mail: sparker@broadband.att.com; jgwhite@broadband.att.com

Christopher J. McDonald, Esq.
Cynthia Carney Johnson, Esq.
Evlyn Tsimis, Senior Manager, Government Affairs
WorldCom, Inc.
200 Park Avenue, 6th Floor
New York, NY 10166
phone: 212-519-4164 (McDonald)
212-519-4069 (Carney Johnson)
212-519-4000 (Tsimis)
fax: 212-519-4569
e-mail: christopher.mcdonald@wcom.com; ccarney.johnson@wcom.com;
evlyn.tsimis@wcom.com
-and-

Alan D. Mandl, Esq.
Mandl & Mandl, LLP
10 Post Office Square, Suite 630
Boston, MA 02109
phone: 617-556-1998
fax: 617-422-0946
e-mail: amandl@earthlink.net
- and

Mark D. Schneider, Esq.
Jenner & Block
601 Thirteenth Street, NW, Suite 1200
Washington, DC 20005
phone: 202-639-6000
fax: 202-639-6066
e-mail: mschneider@jenner.com
FOR: WORLDCOM, INC.

Kimberly A. Scardino, Esq.
Rhythms Links Inc.
1625 Massachusetts Avenue, N.W.
Suite 300
Washington, D.C. 20036
phone: 202-487-7552
fax: 202-955-6460
e-mail: kscardino@rhythms.net
- and -

Elise P.W. Kiely, Esq.
Helene Courard, Esq.
Blumenfeld & Cohen
1625 Massachusetts Avenue, NW, Suite 300
Washington, DC 20036
phone: 202-955-6300
fax: 202-955-6460
e-mail: Elise@technologylaw.com, Helene@technologylaw.com
FOR: RHYTHMS LINKS, INC. (formerly ACI CORP.)

William D. Durand, Esq.
Robert J. Munnelly, Jr., Esq.
Director of Legal & Regulatory Affairs
New England Cable TV Assoc.
100 Grandview Road, Suite 310
Braintree, MA 02184
phone: 781-843-3418
fax: 781-849-6267
e-mail: wdurand@necta.ipmail.att.net, rmunnelly@necta.ipmail.att.net

Meabh Purcell, Esq.
LeBoeuf, Lamb, Greene & MacRae, LLP
260 Franklin Street
Boston, MA 02110-3173
phone: 617-439-9500
fax: 617-439-0341
e-mail: mpurcell@llgm.com

-and-

Terri B. Natoli, Esq.
Senior Counsel
Teligent, Inc.
8065 Leesburg Pike, Suite 400
Vienna, VA 22182
phone: 703-762-5183
fax: 703-762-5584
FOR: TELIGENT

William P. Hunt, III, Esq.
Level 3 Communications, Inc.
1450 Infinite Drive
Louisville, CO 80027

John O. Postl, Esq.
William J. Rooney, Jr., Esq.
Global NAPs, Inc.
10 Merrymount Road
Quincy, MA 02169
phone: 617-507-5121
fax: 617-507-5221
e-mail: jpostl@gnaps.com, wrooney@gnaps.com

-and-

Paul Glist
Cole, Raywid & Braverman, LLP
1919 Pennsylvania Avenue
Washington, DC 20006
phone: 202-828-9811
fax: 202-452-0067
e-mail: pglist@crblaw.com
FOR: GLOBAL NAPS, INC.

Scott A. Sawyer, Esq.
Conversent Communications of Massachusetts, LLC (formerly NEVD of Massachusetts, LLC)
222 Richmond Street, Suite 206
Providence, RI 02903
phone: 401-490-6377
fax: 401-272-9751
e-mail: ssawyer@nevd.net

Eric J. Krathwohl, Esq.
Edward E. Madden, Jr., Esq.
Emmett E. Lyne, Esq.
K. Jill Rizzotti, Esq.
Rich, May, Bilodeau & Flaherty, P.C.
176 Federal Street, 6th Floor
Boston, MA 02110
phone: 617-482-1360
fax: 617-556-3889
e-mail: ekrathwohl@richmaylaw.com, tmadden@richmaylaw.com, elyne@richmaylaw.com
jrizzotti@richmaylaw.com
FOR: CTC COMMUNICATIONS CORP.
FOR: NORFOLK COUNTY INTERNET, INC.
FOR: ASSOCIATION OF COMMUNICATIONS ENTERPRISES (formerly
TELECOMMUNICATIONS RESELLERS ASSOCIATION)

Andrew O. Isar
Association of Communications Enterprises
3220 Uddenberg Lane, Suite 4
Gig Harbor, WA 98335-5128
phone: (253)851-6700
fax: (253)851-6474
e-mail: aisar@millerisar.com

Jordan Michael, Esq.
CTC Communications Corp.
360 Second Avenue
Waltham, MA 02154
phone: 781-466-1372
fax: 781-890-1613
e-mail: michaj@ctcnet.com

Cameron F. Kerry, Esq.
Scott A. Samuels, Esq.
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C.
One Financial Center
Boston, MA 02111
phone: 617-348-1671 (Kerry)
617-348-1798 (Samuels)
fax: 617-542-2241
e-mail: cfkerry@mintz.com, ssamuels@mintz.com
-and-

Cherie R. Kiser
Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.
701 Pennsylvania Avenue, NW
Washington, DC 20004-2608
phone: 202-434-7300
fax: 202-434-7400
e-mail ckiser@mintz.com

FOR: ASSOCIATION FOR LOCAL TELECOMMUNICATIONS SERVICES
FOR: CABLEVISION LIGHTPATH - MA, INC.
FOR: CORECOMM MASSACHUSETTS, INC.
FOR: GLOBAL NAPS, INC.
FOR: NECLEC, INC.

David Ellen, Esq.
Cablevision Lightpath - MA, Inc.
1111 Stewart Avenue
Bethpage, NY 11714-3581

Christopher A. Holt, Esq.
CoreComm Massachusetts, Inc.
110 E. 59th Street
New York, NY 10022
phone: 212-906-8440
fax: 212-906-8497
e-mail: holt@corecommlltd.com

Glenn A. Harris, Esq.
NorthPoint Communications
222 Sutter Street, 7th Fl.
San Francisco, CA 94108
phone: 415-365-6095
fax: 415-403-4004
e-mail: gharris@northpointcom.com

Christopher Gregory
Executive Director
Breakthrough Massachusetts
One Beacon Street, 30th Floor
Boston, MA 02108
phone: 617-371-1010
fax: 617-742-4359
e-mail: chris.gregory@neec.org

Terry Monroe
Vice President, Industry and Government Relations
Competitive Telecommunications Association (CompTel)
1900 M Street, NW, Suite 800
Washington, DC 20036
phone: 202-296-6650
fax: 202-296-7585
e-mail: tmonroe@comptel.org
-and-

Linda L. Oliver, Esq.
Jennifer A. Purvis, Esq.
Marshall D. Fitz, Esq.
Hogan & Hartson LLP
555 13th Street, NW
Washington, DC 20004
phone: 202-637-5600
fax: 202-637-5910
e-mail: lloiver@hhlaw.com, jpurvis@hhlaw.com, mdfitz@hhlaw.com
FOR: COMPETITIVE TELECOMMUNICATIONS ASSOCIATION

Antony Petrilla, Esq.
Susan Jin Davis, Esq.
Jason D. Oxman, Esq.
Covad Communications Company
600 14th Street, NW
Suite 750
Washington, DC 20005
phone: 202-220-0418 (Petrilla)
202-220-0408 (Jin Davis)
fax: 202-434-8932
e-mail: sjdavis@covad.com; apetrilla@covad.com; joxman@covad.com

J. Scott Nicholls, Sr. Manager - State Affairs
Qwest Communications Corporation
4250 N. Fairfax Drive
Arlington, VA 22203
phone: 703-363-4443
fax: 703-363-4404
-and-

Linda L. Oliver, Esq.
Yaron Dori, Esq.
Jennifer A. Purvis, Esq.
Margaret E. Kane, Esq.
Hogan & Hartson LLP
555 13th Street, NW
Washington, DC 20004
phone: 202-637-5600
fax: 202-637-5910
e-mail: lloiver@hhlaw.com, jpurvis@hhlaw.com, mekmiddleton@hhlaw.com

FOR: QWEST COMMUNICATIONS CORPORATION

Douglas Denny-Brown, Esq.
RNK Telecom, Inc.
1044 Central Street
Stoughton, MA 02072
phone: 781-297-9831
fax: 781-297-9836
e-mail: dougdb@rnktel.com

Robert L. Dewees, Jr., Esq.
Nixon Peabody LLP
101 Federal Street
Boston, MA 02110-1832
phone: 617-345-1000
fax 617-345-1300
e-mail: rdewees@nixonpeabody.com
FOR: SBC NATIONAL, INC.

Christopher J. McKeown, President
TelEnergy, Incorporated
288 Walnut Street
Newton, MA 02460
phone: 617-243-3074
fax: 617-243-3947
e-mail: cmckeown@servisense.com, rwheeler@servisense.com

Jonathan E. Canis, Esq.
Enrico C. Soriano, Esq.
Kelley Drye & Warren LLP
1200 19th Street, NW, Suite 500
Washington, DC 20036
phone: 202-955-9600
fax: 202-955-9792
e-mail: esoriano@kelleydrye.com
FOR: INTERMEDIA COMMUNICATIONS, INC.

Michael D'Angelo, Esq.
Nextlink
45 Eisenhower Drive

Paramus, New Jersey 07652
phone: 201-226-3675
fax: 201-226-0254
e-mail: mdangelo@nextlink.com
-and-

Ross A. Buntrock, Esq.
Kelley Drye & Warren, LLP
1200 19th Street, N.W.,
Suite 500
Washington, D.C. 20036
phone: 202-887-1248
fax: 202-955-9792
e-mail: rbuntrock@kelleydrye.com
FOR: NEXTLINK

Thomas S. Lyle
Regulatory Affairs Manager
Vitts Networks
77 Sundial Avenue
Manchester, NH 03103
phone: 603-656-8017
fax: 603-656-8100
e-mail: tlyle@vitts.com

Paul Rebey, Esq.
Focal Communications Corporation
200 North LaSalle Street
Suite 1100
Chicago, IL 60601
phone: 312-895-8491
fax: 312-895-8403
e-mail: prebey@focal.com

Kim Robert Scovill, Esq.
David A. Frills
Choice One Communications, Inc.
100 Chestnut Street, Suite 700
Rochester, NY 14534
phone: 716-530-2781
fax: 716-530-2734

e-mail: kscovill@choicene.com, tromine@choicene.com

Donald C. Davis
Peggy Rubino
George S. Ford
Z-Tel Communications, Inc.
601 South Harbor Island Boulevard
Suite 220
Tampa, FL 33602
phone: 813-233-4615 (Davis)
813-233-4630 (Rubino, Ford)
fax: 813-233-4620 (Davis)
813-233-4623 (Rubino, Ford)
e-mail: ddavis@z-tel.com; prubino@z-tel.com; gford@z-tel.com
-and-

Michael B. Hazzard, Esq.
Kelley Drye & Warren, LLP
1200 19th Street, N.W.,
Suite 500
Washington, D.C. 20036
phone: 202-887-1209
fax: 202-955-9792
e-mail: mhazzard@kelleydrye.com
FOR: Z-TEL COMMUNICATIONS, INC.

Richard S. Hahn, President
Neven Rabadjija, Esq.
BecoCom, Inc.
800 Boylston Street, 17th Floor
Boston, MA 02199
phone: 617-424-2461 (Hahn)
617-424-2223 (Rabadjija)
fax: 617-424-2110 (Hahn)
617-424-2733 (Rabadjija)
e-mail: richard_hahn@nstaronline.com, neven_rabadjija@nstaronline.com

Kelly Kiser, Esq.
Digital Broadband Communications, Inc.
200 West Street
Waltham, MA 02451

phone: 781-290-4000
fax: 781-290-4001
e-mail: kkiser@digitalbroadband.com

- and -

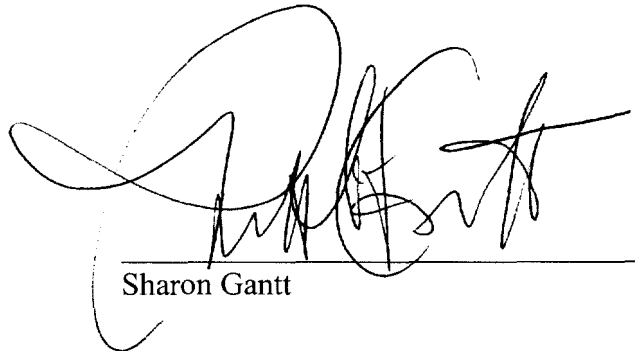
E. Ashton Johnston, Esq.
Vincent Paladini, Esq.
Piper Marbury Rudnick & Wolfe LLP
1200 19th Street, N.W.
Washington, D.C. 20036
phone: 202-861-3900
fax: 202-223-2085
e-mail: ashton.johnston@piperrudnick.com, vincent.paladini@piperrudnick.com
FOR: DIGITAL BROADBAND COMMUNICATIONS, INC.

Christopher Kallaher, Esq.
essential.com, inc.
3 Burlington Woods Drive, 4th Fl.
Burlington, MA 01803
phone: 781-229-9599
fax: 781-229-9499
e-mail: ckallaher@essential.com

Russell C. Merbeth, Esq.
Lawrence Walke, Esq.
Winstar Communications, Inc.
1615 L Street, NW
Suite 1260
Washington, D.C. 20036
phone: 202-833-5678
fax: 202-659-1931
e-mail: rmerbeth@winstar.com; lwalke@winstar.com;

Verizon, Massachusetts
271 Application
Reply Comments of RCN
November 3, 2000

Robert G. Davis, Esq.
Log On America, Inc.
One Cookson Place
Providence, R.I. 02903
phone: 401-459-6576
fax: 401-459-6578
e-mail: bdavis@loa.com



Sharon Gantt